



The International Law

of the Great Lakes

Don Courtney Piper

GROWING POPULARITY of the study of international relations has led to extensive inquiry into legal aspects of situations concerning more than one country. The rules of international law pertaining to the high seas have consequently received much scholarly attention. In contrast, because of its uniqueness, the international law of the Great Lakes of North America has received only limited examination and analysis by scholars. Dr. Piper's comprehensive investigation of the principles and practices of the legal regime in effect between the United States and Canada with regard to the Great Lakes therefore answers a definite need in legal scholarship. A certain amount of political emphasis necessarily enters into any such study, and this one is an effective combination of legal examination and political interpretation.

The two components of the international law of the Great Lakes—adaptation of customary rules of law relating to the high seas on the one hand, and co-operative formulation of special conventional rules applicable only to the lakes on the other—are examined with reference to treaties, agreements, and exchange of notes. Incidents leading up to and following the adoption of these rules are part of Dr. Piper's meticulous documentation. Complexities which have led to rulings on questions of the Lakes' being national waters or high seas in different situations, or of the division of authority among municipal, state, and federal governments are treated from both politico-historical and legal points of view. The intricacies of applicable law are exposed with relentless clarity as each aspect of the administration of the Lakes is discussed.

In his exploration of the international legal regime, the author traces the establishment of the international boundary; explains criminal and admiralty jurisdiction, for which the Great Lakes are considered as the high seas; analyzes the control and preservation of commercial fishing, for which purposes they are not treated as the high seas; and examines naval arms limitations, navigation policy, and the utilization of water resources. The acts, agreements, exchanges of notes, and treaties form a vast and varied background for specific instances arising in regard to every aspect of administration of the Great Lakes-St. Lawrence waterways. The great difference in the primary concerns of the nineteenth and of the twentieth centuries is shown—the former having been the development of an effective legal regime for navigation,

while the latter is rather the development of a legal regime relating to non-navigable use of the waters of the Great Lakes-St. Lawrence.

Dr. Piper includes a number of appendices which give extracts of pertinent treaties from 1783 to 1954 as well as dockets of the International Joint Commission relating to the Great Lakes-St. Lawrence complex. In addition, there is an excellent and comprehensive bibliography to complete the thorough examination of the international law of the Great Lakes. Achieving its aim of presenting the legal principles at issue in each situation involving the Great Lakes, this monograph does more than provide merely another history of the negotiations and developments of the regime. It is also necessarily a study of Canadian-United States co-operation. Emphasis is placed on the underlying international political factors that provide the environment for the legal regime, and discussion of political reasons impeding or accelerating legal agreements is included. Couched in clear, readable language and style, the book includes all the legal aspects of the question under study without losing itself in the jargon which would make it intelligible only to an initiated few. Appealing primarily to the political scientist interested in international law, Dr. Piper's outstanding analysis is also of special significance to the student of law, of history, of international relations, and of political science.

Don Courtney Piper is assistant professor of government and politics at the University of Maryland. He has previously served as Executive Secretary of the Commonwealth-Studies Center at Duke University. In addition to a number of articles published in law journals, Dr. Piper was co-editor of *Post-Primary Education and Political and Economic Development*.

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